

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

Docket No. **02-0416-0101**, Rules Governing Agriculture Odor Management. Implements statutory changes; defines terms; implements standards and specifications for liquid waste systems, inspections, odor management plan development and contents, handling complaints, and penalties. Comment by: 10/24/01.

Docket No. **02-0418-0101**, Rules Governing CAFO Site Advisory Team. New chapter defines terms, establishes process and requirements for counties to make site suitability determination requests and for formation and duties of a CAFO Site Advisory Team. Comment by: 10/24/01

IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642

Docket No. **07-0104-0102**, Rules Governing Electrical Specialty Licensing. Establishes a new Medium/High Voltage Specialty License. Comment by: 10/24/01.

Docket No. **07-0107-0101**, Rules Governing Continuing Education. Increases continuing education requirements for master and journeyman electrician license renewals to 24 hours in a 3-year period. Comment by: 10/24/01.

Docket No. **07-0312-0101**, Rules Governing Manufactured Home Installations. Incorporates by reference the January 1, 2002 edition of the Idaho Manufactured Home Installation Standard. Comment by: 10/24/01.

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION/DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0037

Docket Nos. **08-0105-0101** and **08-0105-0102**, State of Idaho Scholarship Program. Repeal and rewrite of chapter. Comment by: 10/24/01.

Docket No. **08-0112-0101**, Rules Governing the Idaho Minority and "At-Risk" Student Scholarship Program. Provides for priority and selection of scholarship recipients, eligibility requirements, and appeals procedures. Comment by: 10/24/01.

Docket No. **08-0202-0101**, Rules Governing Uniformity. Establishes equitable reimbursement criteria, minimum standards for school bus construction, and school bus out-of-service matrix; increases local control in driver training methods; increases district accountability. Comment by: 10/24/01.

Docket Nos. **08-0203-0101** and **08-0203-0102**, Rules Governing Thoroughness. Revises state assessment program comprised of standardized tests, level tests, the Idaho Reading Indicator, and Direct Writing and Math Assessments; expands the testing population from grades 3-11 to grades K-12. Comment by: 10/24/01.

IDAPA 09 - DEPARTMENT OF LABOR 317 W. Main Street, Boise, ID 83735

Docket No. **09-0135-0104**, Rules of the Employer Accounts Bureau. Provides a "substance over form" analysis of businesses for purposes of proper classification of wages, payments, workers and entities. Comment by: 10/24/01.

Docket No. **09-0135-0105**, Rules of the Employer Accounts Bureau. Clarifies how Professional Employer Organizations must report workers, whose EIN to use in such reports, and what procedures a PEO must use in order to transfer or pool client employer's experience rates. Comment by: 10/24/01.

Docket No. **09-0160-0101**, Complaint Procedures Under the Workforce Investment Act. Provides procedures for filing and processing program and discrimination complaints made by participants in Workforce Investment Act programs and by other interested parties. Comment by: 10/24/01.

IDAPA 11 - IDAHO STATE POLICE PO Box 700, Meridian, ID 83680-0700

Docket No. **11-0201-0101**, Rules of the State Brand Board. Corrects the omission of the initial recording fee of \$50. Comment by: 10/24/01.

Docket No. **11-0501-0101**, Rules Governing Alcohol Beverage Control. Clarifies that fees should apply to Section 23-908, Idaho Code not just Section 23-908 (4). Comment by: 10/24/01.

Docket No. **11-1001-0101**, Rules Governing the ILETs System - Idaho Law Enforcement Teletypewriter System. Further defines access and user fees and sets out specific fees and payment requirements for the ILETs system. Comment by: 10/24/01.

Docket No. **11-1101-0102**, Rules of the Idaho Peace Officers Standards and Training Council. Updates minimum training standards for basic detention and basic juvenile detention academies; deletes outdated language; updates reciprocity language and curriculum requirements; clarifies language referencing college education. Comment by: 10/24/01.

**IDAPA 12 - DEPARTMENT OF FINANCE
PO Box 83720, Boise, ID 83720-0031**

Docket No. **12-0103-0101**, Rules Pursuant to the Idaho Collection Agency Law. Repeal of chapter. Comment by: 10/24/01.

Docket No. **12-0108-0101**, Rules Pursuant to the Idaho Securities Act. Implements new Investment Adviser Registration Depository system for Idaho investment advisers and their agents. Comment by: 10/24/01.

**IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME
PO Box 25, Boise, ID 83707**

Docket No. **13-0104-0101**, Rules Governing Licensing. Considers additional and adjusts current Landowner Appreciation Permits; amends sale date for leftover controlled hunt permits; implements House Bill 43 providing for an Idaho Nursing Home Facility Resident Fishing Permit; authorizes sale of leftover nonresident tags, and adjusts outfitter allocation tag numbers. Comment by: 10/24/01.

Docket No. **13-0108-0101**, Rules Governing the Taking of Big Game Animals in Idaho. Increases mountain lion quotas to allow more hunting; authorizes primitive weapon hunts and defines primitive weapon. Comment by: 10/24/01.

Docket No. **13-0109-0101**, Rules Governing the Taking of Game Birds in Idaho. Sets annual season for Sandhill crane, September goose and for ducks and geese. Comment by: 10/24/01.

Docket No. **13-0117-0101**, Rules Governing the Use of Bait in Taking Big Game Animals. Allows preseason bear baiting in the Clearwater Study Area to increase harvest. Comment by: 10/24/01.

**IDAPA 15 - DIVISION OF HUMAN RESOURCES
PO Box 83720, Boise, ID 83720-0066**

Docket No. **15-0401-0101**, Rules of the Division of Human Resources and Personnel Commission. Changes conform to statutory changes; clarifies language; changes the reduction in force procedures for classified state employees. Comment by: 10/24/01.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

Docket No. **16-0208-0101**, Vital Statistics Rules. Increases fees for copies, searches, and other services regarding vital records. Comment by: 10/24/01.

Docket No. **16-0214-0101**, Rules Governing Construction and Operation of Public Swimming Pools in Idaho. Clarifies the definitions of public and private swimming pools. Comment by: 10/24/01.

Docket No. **16-0307-0101**, Rules Governing Home Health Agencies. Complies with the HCBS Waiver for the aged and disabled and with changes in federal regulations. Comment by: 10/24/01.

Docket No. **16-0308-0102**, Rules Governing Temporary Assistance for Families in Idaho. Makes the valuation and treatment of vehicles in the TAFI program consistent with that in the Food Stamp program. Comment by: 10/24/01.

The following dockets affect IDAPA 16.03.09 - Rules Governing the Medical Assistance Program in Idaho. Comment Deadline: 10/24/01.

Docket No. **16-0309-0107** - Allows for billing by the patients attending physicians who participate in Idaho Medicaid program for the services of a substitute physician.

Docket No. **16-0309-0108** - Simplifies the level of care determination process for Medicaid payment.

Docket No. **16-0309-0109** - Changes made to the Psychosocial Rehabilitative Services Program include: eligibility criteria for both adults and children; framework for plan oversight, service authorization and quality assurance; clarification of location of service, what is included in the service and task plans, what constitutes a closely related field, and service limitations; incorporates services which are currently billable, including Crisis Intervention, Collateral Contact, and Nursing; specifies provider agency requirements; and eliminates Occupational Therapists as PSR providers and Psychotherapy as a PSR service.

Docket No. **16-0309-0110** - Incorporates by reference the Medicare DMERC Supplier Manual; clarifies what the criteria and limitations are; and includes coverage criteria and limitations for equipment or supplies that are not covered by Medicare.

Docket No. **16-0309-0112** - Allows for 24 chiropractic manipulation services per calendar year.

Docket No. **16-0309-0113** - Requires pharmacy providers to credit the Department for returned "Unit Dose" packaged medications defined as single unit of use, blister packaging, or unused injectable vials and ampules dispensed for inpatients of licensed skilled nursing facilities.

Docket No. **16-0309-0114** - Adds Licensed Marriage and Family Therapist to the qualified providers under Mental Health Clinic rules.

Docket No. **16-0310-0102**, Rules Governing Medicaid Provider Reimbursement in Idaho. Adds the special rate calculation methodologies for nursing Facilities under the prospective payment system. Comment by: 10/24/01.

Docket No. **16-0602-0101**, Rules Governing Standards for Child Care Licensing. Outlines qualification for Service Worker position. Comment by: 10/24/01.

Docket No. **16-0602-0102**, Rules Governing Standards for Child Care Licensing. Adds therapeutic outdoor camps under the childcare licensing rules. Comment by: 10/24/01.

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION
PO Box 83720, Boise, ID 83720-0041

Docket No. **17-0602-0101**, Boiler and Pressure Vessel Safety Rules - Administration. Adopts the latest national safety standards; provides location for reviewing standards; and provides for the testing and inspection of certain pressure vessels by a professional testing laboratory and the American Petroleum Institute compliance standards. Comment by: 10/24/01.

Docket No. **17-0701-0101**, Safety rules for Elevators and Escalators - General Requirements. Updates state's safety standards to comply with the national elevator safety standards that have been incorporated by reference. Comment by: 10/24/01.

IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY
708 ½ W. Franklin St., Boise, ID 83702

Docket No. **19-0101-0101**, Rules of the Idaho State Board of Dentistry. Updates the Incorporations by Reference section; changes anesthesia permit renewals to coincide with the evaluation process; adds the requirement of Advanced Cardiac Life Support certification for conscious sedation permit holders. Comment by: 10/24/01.

IDAPA 20 - DEPARTMENT OF LANDS
PO Box 83720, Boise, ID 83720-0050

Docket No. **20-0314-0101**, Grazing Leases and Cropland Leases. Changes reflect Idaho State Board of Land Commissioners' policy and court decisions effecting management of endowment lands classified for grazing and cropping purposes including the appeal process, the reclassification of land use, the lease application and cancellation process, the lease adjustment process and grazing management plans. Comment by: 10/24/01.

IDAPA 21 - DIVISION OF VETERANS SERVICES
320 Collins Road, Boise, ID 83702

Docket No. **21-0101-0101**, Rules Governing Admission, residency, and Maintenance Charges in Idaho. Clarifies certain admissions requirements; and incorporates Health Care Financing Administration requirements. Comment by: 10/25/01.

Docket No. **21-0102-0101**, Rules Governing Emergency Relief for Veterans. Adds required sections to the rule. Comment by: 10/25/01.

Docket No. **21-0103-0101**, Rules Governing Medicaid Qualified Units in Idaho. Adds required sections; clarifies Medicaid resident charges during leave of absence or hospitalization. Comment by: 10/25/01.

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE
PO Box 83720, Boise, ID 83720-0058

Docket No. **22-0103-0101**, Rules for the Licensure of Physicians Assistants. Provides change in prescriptive authority to physician assistants from current Schedule III - V to Schedule II - V; allows use of non-incising lasers under supervision; adds required sections. Comment by: 10/24/01.

Docket No. **22-0105-0101**, Rules for Registration of Physical Therapists and Physical Therapists Assistants. Repeal of chapter. Comment by: 10/24/01.

Docket No. **22-0105-0102**, Rules for Registration of Physical Therapists and Physical Therapists Assistants. Rewrite of chapter provides clearer definitions of licensees and practice; defines levels of supervision of licensed and supportive personnel; and define the role of the advisory committee in discipline procedures. Comment by: 10/24/01.

Docket No. **22-0114-0101**, Rules Relating to Complaint Investigation. Provides guidelines for selection of consultants for the investigation process, processing complaints outside the Board's authority and performance indicators for proactive investigations. Comment by: 10/24/01.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
1109 Main Street, Suite 220, Boise, ID 83702

Docket No. **24-0101-0101**, Rules of the Board of Architectural Examiners. Adds required sections; updates and clarifies board organization; replaces reference to "Executive Secretary" with "Bureau"; clarifies qualification of applicants; provides rules for architect intern. Comment by: 10/24/01.

Docket No. **24-0201-0101**, Rules of the Board of Barber Examiners. Amends first aid kit definition and barbering practice; defines and clarifies terms; clarifies meeting and examination dates, application requirements, test fee

responsibility, endorsement and examination requirements, barber shop licensure requirements, and requirements for barber colleges, instructors, and student registrations; provides for barber-stylist fees; deletes temporary permits; inserts legal resident requirement; provides grandfather rights for barber-stylist license; provides curriculums for barber and barber-stylist instruction. Comment by: 10/24/01.

Docket No. **24-0301-0101**, Rules of the Board of Chiropractic Physicians. Adds required sections; defines terms; deletes application deadline and standardizes the photo requirement; clarifies license renewal date and application and renewal process for inactive status; authorizes the Board to review and approve continuing education offerings; requires licensees to maintain continuing education documentation; defines and restricts distance learning for continuing education, and process for approval of continuing education courses; provides for further definition, supervision, and practice limitations for interns; provides for the application and conditions for issuance of a temporary permit; provides for training for peer review committee members. Comment by: 10/24/01.

Docket No. **24-0401-0101**, Rules of the Board of Cosmetology. Adds required sections; deletes references to student loan defaults and temporary permits; clarifies application process, deadline requirement for final training records, and supervision requirements for apprentices; revises training requirements and exam requirements to require mannequins instead of live models; inserts provisions for nail tech and esthetics instructors. Comment by: 10/24/01.

Docket No. **24-0901-0101**, Rules of the Board of Examiners of Nursing Home Administrators. Adds required sections; increases original license fee, renewal fee, application fee, temporary permit fee, administrator in training fee, and reinstatement fee; provides for application for registration of administrators-in-training and effective date of training; and provides for application and registration for administrator designees. Comment by: 10/24/01.

Docket No. **24-1001-0101**, Rules of the Board of Optometry. Provides for reinstatement for up to 5 years with payment of \$150 renewal fee and proof of continuing education for each year; establishes a waiver of continuing education requirements for the first license renewal; and adds to unprofessional conduct by inclusion of health care professionals. Comment by: 10/24/01.

Docket No. **24-1101-0102**, Rules of the Board of Podiatry. Adds requirements for obtaining a license by endorsement; clarifies the documentation and attendance verification requirements for continuing education. Comment by: 10/24/01.

Docket No. **24-1201-0101**, Rules of the Board of Psychologist Examiners. Defines terms; clarifies that official certification must be received from issuing entities; replaces "reciprocity" with "endorsement" throughout; adds requirements for licensure by endorsement; adds reference for licensure of Senior Psychologist; deletes reference to oral exams; corrects reference to the Code of Conduct; clarifies renewal and reinstatement process. Comment by: 10/24/01.

Docket No. **24-1501-0101**, Rules of the Licensing Board of Professional Counselors and Marriage and Family Therapists. Adds required sections and rule for application process; clarifies supervised experience requirements; identifies approved exams and passing scores; replaces Private Practice category with Clinical category; clarifies CE requirements and renewal and reinstatement provisions; insert references to Marriage & Family Therapy license throughout; adds fees; clarifies endorsement requirements; adopts Codes of Ethics. Comment by: 10/24/01.

Docket No. **24-1801-0101**, Rules of the Real Estate Appraiser Board. Adds required sections; incorporates by reference and refers to USPAP instead of Uniform Standards of Professional Appraisal Practice; deletes unnecessary references; clarifies application and that legal advice is furnished by Bureau contract; adds fee and requirements for trainee registration and supervision. Comment by: 10/24/01.

Docket No. **24-1901-0101**, Rules of the Board of Residential Care Facility Administrators. Adds required sections; clarifies application requirement; sets meetings at least semi-annually; adopts use of the national NAB licensure exam; clarifies exam requirements for the part specific to Idaho. Comment by: 10/24/01.

Docket No. **24-2001-0101**, Rules of the Bureau of Occupational Licenses. Repeal of chapter. Comment by: 10/24/01.

Docket No. **24-2001-0102**, Rules of the Bureau of Occupational Licenses. Rewrite of chapter revises the administrative procedures of the Bureau. Comment by: 10/24/01.

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD 1365 North Orchard, Suite 172, Boise, ID 83706

Docket No. **25-0101-0101**, Rules of the Outfitters and Guides Licensing Board. License needed to operate on both public and private land; failure to pay state taxes is unethical/unprofessional conduct; provides for hearing to decide the successful applicant when more than one applicant submits an application with landowner signoffs and that a licensed outfitter has priority for any opportunities within that outfitter's existing area boundaries; outfitter may not operate in an area without a landowner or land manager signoff; provides for multiple year licenses; outfitter license is not transferable; all float boats occupied by three or more clients shall be under the control of a licensed guide. Comment by: 10/24/01.

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION PO Box 83720, Boise, ID 83720-0065

Docket No. **26-0130-0101**, Idaho Safe Boating Rules. Requires personal flotation devices to be worn by children 14 and younger while onboard vessels 19 feet or less when vessel is underway. Comment by: 10/24/01.

IDAPA 27 - IDAHO BOARD OF PHARMACY
PO Box 83720, Boise, ID 83720-0067

Docket No. **27-0101-0101**, Rules of the Board of Pharmacy. Allows Pharmacy Externs to register with Board only once while they are in school and have the registration continue so long as they remain in school. Comment by: 10/24/01.

Docket No. **27-0101-0102**, Rules of the Board of Pharmacy. Increases fees for various registrations and licenses issued by the Board. Comment by: 10/24/01.

IDAPA 29 - IDAHO POTATO COMMISSION
PO Box 1068, Boise, ID 83701-1068

Docket No. **29-0102-0101**, Rules Governing Payment of Advertising Tax and Usage of Federally Registered Trademarks. Allows use of a sticker to label Idaho potatoes; makes corrections that conform to statutory changes; adds required sections. Comment by: 11/14/01.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074

Docket No. **31-4201-0101**, The Title 62 Telephone Corporation Rules. Deletes rules adopting interconnection and access standards for facilities-based competitive telephone corporations that provide basic local service to previously unserved areas of the state. Comment by: 10/24/01.

IDAPA 35 - IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722

Docket No. **35-0100-0101**, Notice of Rulemaking Action Affecting the Administrative Rules of the State Tax Commission. Adds required sections for most rule chapters of the Tax Commission. Comment by: 10/24/01.

Docket No. **35-0101-0101**, Income Tax Administrative Rules. Adds documents through incorporation by reference; makes numerous changes most of which conform to statutory requirements. Comment by: 10/24/01.

Docket No. **35-0102-0102**, Sales and Use Tax Administrative Rules. Changes conform to statutory changes; clarifies treatment of manufacturers' rebates that are paid to the consumer by the retailer when the retailer in turn is reimbursed by the manufacturer; clarifies type of equipment that qualifies for the pollution control exemption; clarifies related party transfers and sales to family members of motor vehicles; clarifies that person giving away the prize is responsible for the sales and use tax on items that are given away in contests, drawing and raffles. Comment By: 10/24/01.

Docket No. **35-0103-0102**, Property Tax Administrative Rules. Exempts certain tangible personal property considered to be agricultural machinery and equipment and includes equipment not exclusively used for agriculture; clarifies categories dealing with manufactured housing; adds the term "land used to produce nursery stock." Comment by: 10/24/01.

Docket No. **35-0103-0104**, Property Tax Administrative Rules. Clarifies application process to become a certified appraiser; clarifies rules dealing with the identification of manufactured housing for equalization purposes; incorporates documents by reference; clarifies what documentation is required for dissolution and disincorporation of cities, taxing districts and urban renewal areas; clarifies when an additional plant facilities fund levy for school districts or libraries can be initiated and when penalty procedures when a taxing district fails to notify the county clerk of budget hearings. Comment by: 10/24/01.

Docket No. **35-0103-0105**, Property Tax Administrative Rules. Clarifies that "owner" includes a partner of a limited partnership, member of a limited liability company or a shareholder of a corporation and that a five percent (5%) interest for ownership in limited liability company, partnership, corporation, estate or trust is required to be eligible for the homeowner's exemption; adds there will be no reduction to benefits if the claimant is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, unless some other shared ownership exists and clarifies that the reduction is to value and not to benefits for partial ownerships. Comment by: 10/24/01.

Docket No. **35-0108-0101**, Mine License Tax Administrative Rules. Identifies the effective dates for the different mine license tax rates and discusses the application of the tax rate change. Comment by: 10/24/01.

Docket No. **35-0201-0101**, Tax Commission Administration and Enforcement Rules. Defines "Date of Filing"; clarifies when individuals are not required to pay amounts over \$100,000 to the Tax Commission using electronic funds transfer; clarifies how the taxpayer may direct the Tax Commission to apply partial payments when the taxpayer has multiple tax obligations; adds the interest rate for calendar year 2002; clarifies the calculation of penalties. Comment by: 10/24/01.

IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES
1301 North Orchard, Boise, ID 83706

Docket No. **37-0201-0101**, Comprehensive State Water Plan Rules. Removes need to review the Comprehensive State Water Plan every 5 years. Comment by: 10/24/01.

IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION
PO Box 83720, Boise, ID 83720

Docket No. **45-0101-0101**, Rules of the Idaho Human Rights Commission. Defines “religion,” “because of sex,” and “substantially limits”. Comment by: 10/24/01.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255

Docket No. **58-0114-0101**, Rules for Administration of Agricultural Water Quality Program. Repeal of chapter. Comment by: 10/24/01.

PUBLIC HEARINGS – Public Hearings Have Been Scheduled For The Following Dockets:

Department of Agriculture: Docket Nos. **02-0416-0101** and **02-0418-0101**

Department/Board of Education: Docket Nos. **08-0105-0101**, **08-0105-0102**, **08-0112-0101**, **08-0202-0101**, and **08-0203-0101**

Department of Fish and Game: Docket Nos. **13-0108-0102** and **13-0111-0111**.

Division of Human Resources: Docket No. **15-0401-0101**

Department of Health and Welfare: Docket No. **16-0309-0109**, **16-0602-0101** and **16-0602-0102**

Department Of Lands: Docket No. **20-0314-0101**

Division of Veterans Services: Docket No. **21-0101-0101**

Department of Parks And Recreation: Docket No. **26-0130-0101**

Idaho Potato Commission: Docket No. **29-0102-0101**

Idaho Human Rights Commission: Docket No. **45-0101-0101**

Please refer to the Idaho Administrative Bulletin, **October 3, 2001, Volume 01-10** for notices and text of all rulemakings, public hearing schedules, Governor’s executive orders, and agency contact names.

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